

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2044**

---

**Introduced by Assembly Member Rodriguez**

February 20, 2014

---

An act to amend ~~Section 1569.618 of, and to add Section 1569.629 to, Sections 1569.618 and 1569.625 of~~ the Health and Safety Code, relating to care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2044, as amended, Rodriguez. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

Existing law requires the administrator designated by the licensee to be present at the facility during normal working hours and requires a facility manager, as defined, to be responsible for the operation of the facility when the administrator is temporarily absent from the facility.

This bill would require that at least one administrator, facility manager, or other person designated by the administrator who is at least 21 years of age be on the premises of the facility 24 hours per day and ~~would require a minimum of one staff member who assists residents with personal activities of daily living per 16 residents be on the premises 24 hours per day.~~ day. The bill would also require the facility to employ, and the administrator to schedule, a sufficient number of staff members, as prescribed.

Existing law requires the department to adopt regulations to require staff members who assist residents with personal activities of daily living to receive appropriate training, which consists of 10 hours of training within the first 4 weeks and 4 hours annually thereafter. *Existing law requires that the training include specified topics.*

This bill would require that this training also include ~~specified topics, including, among others,~~ building and fire safety and the appropriate response to emergencies, abuse, neglect, and financial exploitation prevention, and reporting requirements. *emergencies.*

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1569.618 of the Health and Safety Code  
2 is amended to read:

3 1569.618. (a) The administrator designated by the licensee  
4 pursuant to subdivision (k) of Section 1569.15 shall be present at  
5 the facility during normal working hours. A facility manager  
6 designated by the licensee with notice to the department, shall be  
7 responsible for the operation of the facility when the administrator  
8 is temporarily absent from the facility.

9 (b) ~~(1)~~ At least one administrator, facility manager, or other  
10 person designated by the administrator who is at least 21 years of  
11 age shall be on the premises 24 hours per day.

12 ~~(2) A minimum of one staff member who assists residents with~~  
13 ~~personal activities of daily living per 16 residents shall be on the~~  
14 ~~premises 24 hours per day.~~

15 (c) The facility shall employ, and the administrator shall  
16 schedule, a sufficient number of staff members to do all of the  
17 following:

18 (1) Provide the care required in each resident's negotiated  
19 service agreement ~~during all hours of the day.~~ *agreement.*

1 (2) Ensure the health, safety, comfort, and supervision of the  
2 residents.

3 (3) Ensure that at least one staff member who has  
4 cardiopulmonary resuscitation (CPR) training and first aid training  
5 is on duty and on the premises at all times.

6 ~~(4) Ensure that the interior and exterior of the facility is  
7 maintained in a safe and clean manner.~~

8 *(4) Ensure that the facility is clean, safe, sanitary, and in good  
9 repair at all times.*

10 (d) “Facility manager” means a person on the premises with the  
11 authority and responsibility necessary to manage and control the  
12 day-to-day operation of a residential care facility for the elderly  
13 and supervise the clients. The facility manager, licensee, and  
14 administrator, or any combination thereof, may be the same person  
15 provided he or she meets all applicable requirements. If the  
16 administrator is also the facility manager for the same facility, he  
17 or she shall be limited to the administration and management of  
18 only one facility.

19 ~~SEC. 2. Section 1569.629 is added to the Health and Safety  
20 Code, immediately following Section 1569.628, to read:~~

21 ~~1569.629. The training required under Section 1569.625 shall  
22 also include all of the following topics:~~

23 ~~(a) Building and fire safety and the appropriate response to  
24 emergencies.~~

25 ~~(b) Abuse, neglect, and financial exploitation prevention as  
26 prescribed by the Department of Justice.~~

27 ~~(c) Reporting requirements.~~

28 ~~(d) Sanitation and food safety.~~

29 ~~(e) Resident health and related problems.~~

30 ~~(f) An overview of the staff members’ specific job requirements.~~

31 ~~(g) The philosophy and principles of independent living in an  
32 assisted living residence.~~

33 ~~(h) The promotion of resident dignity, independence,  
34 self-determination, privacy, and choice.~~

35 *SEC. 2. Section 1569.625 of the Health and Safety Code is  
36 amended to read:*

37 1569.625. (a) The Legislature finds that the quality of services  
38 provided to residents of residential care facilities for the elderly is  
39 dependent upon the training and skills of staff. It is the intent of  
40 the Legislature in enacting this section to ensure that direct-care

1 staff have the knowledge and proficiency to carry out the tasks of  
2 their jobs.

3 (b) The department shall adopt regulations to require staff  
4 members of residential care facilities for the elderly who assist  
5 residents with personal activities of daily living to receive  
6 appropriate training. This training shall consist of 10 hours of  
7 training within the first four weeks of employment and four hours  
8 annually thereafter. This training shall be administered on the job,  
9 or in a classroom setting, or any combination of the two. The  
10 department shall establish, in consultation with provider  
11 organizations, the subject matter required for this training.

12 (c) The training shall include, but not be limited to, the  
13 following:

- 14 (1) Physical limitations and needs of the elderly.
- 15 (2) Importance and techniques for personal care services.
- 16 (3) Residents' rights.
- 17 (4) Policies and procedures regarding medications.
- 18 (5) Psychosocial needs of the elderly.
- 19 (6) *Building and fire safety and the appropriate response to*  
20 *emergencies.*

21 SEC. 3. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.